



District of Columbia Sentencing and Criminal Code Revision Commission

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FULL COMMISSION MEETING MINUTES

December 13, 2011
Superior Court, Room 6615
Washington, DC

Attendance:

Frederick Weisberg	Dave Rosenthal	Courtnei Burleson
Ramsey Johnson	Jennifer Seltzer Stitt	Ken Cowgill
Julie Samuels	Meghan Murphy	Linden Fry
Adele Harrell	Ronald Gainer	Thurman Sanders
Laura Hankins	Patricia Riley	Anu Shrestha
Barbara Tombs-Souvey	Renata Kenderick Cooper	Mia Hebb
Cedric Hendricks		

- I. Call to order by Chairman Weisberg at 5:00 p.m.
- II. Minutes from the October 18, 2011 meeting were reviewed and approved [with three minor corrections].
- III. Director's Report – Informational Item, Barbara Tombs-Souvey

Redesign of Agency Data System: Barbara Tombs-Souvey briefly discussed that the agency is currently in the process of redesigning its data system. Ms. Souvey stated that the Court will change the way data is shared with partner criminal justice agencies under IJIS Outbound 12.1 system. Ms. Souvey stated that the Commission's data transfer system will need to be compatible with the Court's 12.1 system to maintain the current transfer of sentencing data. Ms. Souvey indicated that a Needs Assessment will be conducted by Enlighten over the next couple of months to determine if it will be more cost effective to modify the agency's current data system or design a new system. Ms. Souvey stated that the agency has submitted a FY 2013 Capital Budget request for \$800,000 to cover the cost of the required changes to ensure compatibility with the Court. Ms. Souvey added that the Needs Assessment should be completed by April 2012 and a decision will then be made as to which course of action will be taken.

Ms. Souvey announced that that Nancy Ware had recently been confirmed as the Executive Director for CSOSA and that the Commission looks forward to working with her on Sentencing Guideline issues in the future. She also noted that CSOSA will begin implementing the new electronic Sentencing Guidelines Form agency wide beginning January 1, 2012. This form provides criminal history scores for felony offenders sentenced in the District. Ms. Souvey thanked Thurman Sanders and CSOSA for their efforts in completing this project.

IV. Overview of Criminal Code Revision Project: Informational Item, Ken Cowgill

Successes, Challenges and Recommendations: Mr. Cowgill, whose resignation as the Criminal Code Revision Project Director will be effective December 15, 2011, shared with the Commission members his experiences as director of the code revision project. Among the project successes were the creation of a database populated with information on every criminal statute in the District, submission of the Fine Proportionality Act to the Council and the addition of a full time attorney assigned to the project even in very tight budget times; although the project is still significantly understaffed, it was progress. Among the challenges that remain is the lack of clarity and agreement concerning the specific scope of the code revision process, specifically the ongoing debate on whether to make substantive changes when necessary and appropriate. Mr. Cowgill also suggested to the Commission that there should be a level of compromise between making no substantive change and a complete overhaul of the code. Finally, Mr. Cowgill recommended that coming to agreement on the scope of the code reform project needs to be resolved quickly so that recruitment of the new Project Director can move forward. The Committee articulated their views and agreed to move forward with the Criminal Code Revision Project.

V. Discussion of Code Revision Scope and Process Document – Action Item Chairman Weisberg and Linden Fry

Code Revision Scope and Process: Chairman Weisberg discussed the handout that outlines standardized procedures to structure code reform that will ensure that each code section is clear and consistent. The Committee agreed to the scope and procedures provided that some small changes are made. These revisions will be incorporated in the final draft that is presented to the full Commission for review and action at the next meeting.

VI. Project Director Search for Criminal Code Revision Project – Action Item, Judge Weisberg and Barbara Tombs-Souvey

Discussion and Approval of Project Director Duties: Chairman Weisberg briefly shared with the Commission the status of the search for a new Project Director. Chairman Weisberg stated that the Commission lost two prime applicants for different reasons and currently has no suitable applicants for the part-time Project Director position. Chairman Weisberg and Commission members discussed whether to re-post the position as part-time or whether it should be reclassified as a full-time position to

attract a more qualified pool of applicants. Members decided that if funding was available in the agency's budget that the position should be classified as a full-time position with benefits.

Funding and Reposting Issues: Barbara Tombs-Souvey provided an overview of the impact on the agency's budget for FY 2012 and FY 2013, if the Project Director position was re-posted as a full-time position. For FY 2012, dollars from non-personnel services would have to be reprogrammed to personnel services in the budget since the budget year has already begun. Ms. Souvey indicated that reposting the position as a full time position with benefits would definitely broaden the pool of candidates but the agency would need to find the funds within other budget categories. Ms. Souvey added that if we advertise now, it may take until March 2012 to complete the interviewing process and there may be sufficient funds from the position being vacant for several months to hire a candidate at that time. The Commission agreed to the reposting of the position as a full time position.

Committee Membership Changes: The Commission concluded the meeting with a brief discussion regarding whether it would be beneficial to expand the membership of the Committee. Although there was no strong opposition to expanding the membership, there was concern expressed about a process on how additional members should be selected and the Commission should discuss this matter further.

Adjourn: 6:30 pm

NEXT MEETING:

Tuesday, January 17, 2012, One Judiciary Square (441 4th St., NW), 11th Floor.